

MOSES POTTER
 vs.
 EDWARD M. KERR. } SEPTEMBER TERM, 1848.

[INSOLVENT LAWS—FOREIGN CREDITORS.]

THE rights of foreign creditors are not affected by the discharge of an insolvent, under the laws of Maryland.

State insolvent laws, although constitutional in their action upon the rights of their own citizens, are unconstitutional when they affect the rights of citizens of other states.

A discharge under the insolvent laws of Maryland cannot affect the right of foreign creditors to obtain against the insolvent, in the Maryland courts, an absolute and unqualified judgment, and to place their execution upon any property of the insolvent debtor to be found undistributed in the hands of the trustee.

[The bill was filed in this cause on the 8th of September, 1846. It appears that about the 20th of January, 1845, Moses Potter, the complainant, and Edward M. Kerr, the defendant, commenced business in Baltimore; and that the relations between them was arranged and established by an agreement, which amongst other things, stated that Kerr had agreed to employ Potter, "as a salesman and general clerk, in his store, No. — Baltimore street, in the city of Baltimore, and to allow him for the faithful performance of his services in that capacity, one-quarter of the net profits that may arise from the business, after deducting all expenses, and the interest on amount of the capital stock put in said business, at the rate of six per cent. per annum, and to pay the said Moses Potter from the concern, for his support, the sum of eighty-three dollars and thirty-three cents, per month, which said monthly payments are to be advanced out of the net profits coming to the said Moses Potter, and to be deducted from his one-quarter share of the net profits at the end of each year." The agreement contained also the following clause: "And it is hereby declared to be the meaning of the articles of agreement aforesaid, that thereby the said Moses Potter is not made a partner in trade of the said E. M. Kerr, but that the allowance of one-fourth of the net profits,